

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10 CORY SPENCER, an individual;
11 DIANA MILENA REED, an
individual; and COASTAL
12 PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation.

Plaintiffs.

vs.

13 LUNADA BAY BOYS; THE
14 INDIVIDUAL MEMBERS OF THE
15 LUNADA BAY BOYS, including but
16 not limited to SANG LEE, BRANT
17 BLAKEMAN, ALAN JOHNSTON
18 AKA JALIAN JOHNSTON,
19 MICHAEL RAE PAPAYANS,
20 ANGELO FERRARA, FRANK
21 FERRARA, CHARLIE FERRARA;
22 and N.F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10.

Defendants.

CASE NO. 2:16-cv-02129-SJO (RAOx)

Assigned District Judge Hon. S. James Otero, Courtroom 10C

**Discovery Assigned to Magistrate Judge
Hon. Rozella A. Oliver**

**[PROPOSED] STATEMENT OF
UNCONTROVERTED FACTS**

[Filed concurrently with Notice; Motion and Points and Authorities for Partial Summary Judgment; Separate Statement of Uncontested Facts/Evidence; Declaration of Tera A. Lutz; Notices of Lodging; [Proposed] Order lodged herewith]

Date: August 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C

Complaint filed: March 29, 2016
Trial Date: None Set

25 After consideration of the papers in support of and in opposition to Defendant
26 SANG LEE's Motion for Partial Summary Judgment and argument of counsel, the
27 Court hereby finds the following Uncontroverted Facts to be uncontroverted.

1	Uncontroverted Facts	Supporting Evidence
2	1. Before January 2016, Cory Spencer ("Spencer") visited Lunada Bay on at least eight to ten occasions.	1. October 11, 2016 Deposition of Plaintiff Cory Eldon Spencer ("Spencer Deposition") 59:9-12; 64:13-25; 65:1-8.
6	2. Since January 29, 2016, Spencer has visited Lunada Bay on at least three to five occasions.	2. Spencer Deposition 170: 9-21.
9	3. Spencer has only seen Lee on one occasion.	3. Spencer Deposition 307: 11-14.
11	4. During a visit to Lunada Bay on January 29, 2016, Spencer saw Lee communicating with Christopher Taloa.	4. Spencer Deposition 121: 18-25; 122; 123; 124: 1-22.
15	5. Lee has never spoken with Spencer.	5. Spencer Deposition 308: 11-12.
17	6. Lee has never threatened Spencer.	6. Spencer Deposition 308: 13-14.
18	7. Lee has never make any physical contact with Spencer.	7. Spencer Deposition 309: 4-9.
20	8. Spencer has never seen Lee injure anyone at Lunada Bay or engage in the destruction of anyone's property.	8. Spencer Deposition 313: 6-14.
24	9. Plaintiff Diana Milena Reed ("Reed") has visited Lunada Bay on at least four occasions- January 6, 2016, January 29, 2016,	9. October 24, 2016 Deposition of Diana Milena Reed; 105:13-15; 103: 19-25; 104:1-9; 146: 11-15; 156: 23-25; 157: 1-5.

1	Uncontested Facts	Supporting Evidence
2	February 5, 2016, and February	
3	13, 2016.	
4	10. Reed has never had any	10. October 25, 2016 Deposition of
5	interaction with Lee and did not	Diana Milena Reed, 366: 23-25;
6	see him during any of her visits to	367: 1-18.
7	Lunada Bay.	

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11 Dated: _____

12 Honorable S. James Otero, Judge
13 United States District Court

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